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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,837

04/20/2001

Toshiharu Nogi

HAL-11380/04

5189

25006

7590

04/27/2009

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EXAMINER

HOANG, JOHNNY H

ART UNIT

PAPER NUMBER

3747

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Art Unit: 3747

**Response to Reissue Applications**

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

***Applicants have failed to sufficiently specify a proper error. The newly submitted oath (July 16, 2007) does not correct this problem. The applicants must specifically describe at least one error with specific reference to the original patent claims. The applicant(s) must resubmit a full, new corrected Oath/Declaration.***

Note: the newly submitted oath does not identify even one single specific error, references no specific claims or claim language, but rather does exactly what the MPEP section 1414 says is NOT acceptable. Applicant is advised to thoroughly review MPEP 1414 prior to filing any further response.

3. *Claims 1-36, 47-78, 81-92, and 97-100 are rejected as being based upon a defective reissue Oath or Declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175. The nature of the defect(s) in the Oath or Declaration is set forth in the discussion above in this Office action.*

***4. The applicant(s) must include any changes, additions, or deletions that were made by Certificate of Correction to the original patent grant in the reissue application without underlining or bracketing. See MPEP 1414.01.***

***NOTE: Applicants have not included the changes made by the Certificate of Correction from 4/20/2009. The applicant(s) must resubmit all portions affected by the Certificate of Correction. It appears that the changes to the Specification made by the certificate of correction have been included, but the changes to the claims by certificate of correction have not.***

### Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNY H. HOANG whose telephone number is (571)272-4843.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/839,837

Page 4

Art Unit: 3747

/JHH/

April 14, 2009

/Johnny H. Hoang/  
Examiner, Art Unit 3747

/Stephen K. Cronin/

Supervisory Patent Examiner, Art Unit 3747